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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,482	11/28/2001	Michael J. McKay	Leichtag001C	3333

7590 04/17/2003

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,482

Applicant(s)

MCKAY ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the preliminary amendment filed on February 26, 2002 in which applicant cancels claims 1-16 and adds new claims 17-34.

Drawings

2. The drawings are objected to because solid black shading is not permitted as in figures 1-2. Reference numbers, characters, and legends are not plain and legible in figures 1-4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 17, 21, 27, and 31 are objected to because of the following informalities:

- In claim 17, line 14, Applicant should insert "random" between "said" and "question".
- In claim 21, line 9, Applicant should insert "random" between "said" and "question".
 1. In claim 27, lines 8 and 12, Applicant should insert "random" between "said" and "question".
- In claim 31, lines 9, 10, and 11, Applicant should insert "random" between "said" and "question".
- Claim 30 should end with a period.

Correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 17-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 17 recites the limitation "said players listing" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 18-20 inherit the deficiencies of claim 17 by dependency.

7. Claim 17 recites the claim language, "asking a random question in turn to a respective player on said actual player listing as a respective of said game pieces is moved." One having ordinary skill in the art would be unable to ascertain which player's game piece is moved when a random question is asked. It appears as if a player's game piece is moved before answering the question.

Claims 18-20 inherit the deficiencies of claim 17 by dependency.

8. In claim 18, line 2, the phrase, "based said ages" is unclear. However, the examiner interprets the claim language to mean the score for each actual player is automatically adjusted based on the player's age.

9. In claim 21, lines 8 and 9, the limitations, "asking a random question to each player; inputting an answer to said question by each player" is unclear. Do all players answer the same question? This informality is repeated in claims 27 and 31.

Claims 22-26 inherit the deficiencies of claim 21 by dependency.

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Claims 32-34 inherit the deficiencies of claim 31 by dependency.

10. In claim 21, line 10, the limitation, "asking at least one random bonus question when each player lands on said mystery positions" is unclear. Are all players asked the one or more random bonus questions? Is the one or more bonus question asked to one player if that one player lands on a mystery position? Is the one or more bonus question asked once all players land on the mystery position? This informality is repeated in claims 27 and 31.

Claims 22-26 inherit the deficiencies of claim 21 by dependency.

Claims 32-34 inherit the deficiencies of claim 31 by dependency.

11. Claim 21 recites the limitation "said actual player listing" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claims 22-26 inherit the deficiencies of claim 21 by dependency.

12. In claim 22, the language, "asking for input" is unclear. Is asking for input via audio, video, text, etc.? How is one asked for input in the instant invention?

13. Claim 23 recites the limitation "said question difficulty" in line 2. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 27 recites the limitation "said actual player listing" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claims 28-30 inherit the deficiencies of claim 27 by dependency.

15. Claim 28 recites the limitation "said potential players listing" in line 3. There is insufficient antecedent basis for this limitation in the claim.

16. In claim 30, line 2, the limitation, "selecting names from said players listing" is unclear. Are names selected from the potential player listing or the actual player listing?

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Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

19. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Links 386CD Players Manual.

Peterson discloses a multi-skill question and answer board game played by players of different skill and age levels. The game can improve player's skills in various educational subject matter. Additionally, an age factor is applied to a player's point total to compensate for any age difference between competing players. Furthermore, the educational board game can be implemented in a computer-based format. Peterson discloses:

Regarding Claim 17:

- displaying a game board on a computer screen (figure 1);
- providing a game piece for each of said names of said actual player listing (column 1, line 5);

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- asking a random question in turn to a respective player on said actual player listing as a respective of said game pieces is moved (column 2, lines 18-20);
- inputting by said respective player an answer to said question (column 2, lines 18-20).

Regarding Claim 18:

- adjusting said score based on each name of said actual player listing based on said ages (column 2, lines 46-51).

Peterson seems to lack explicitly stating:

Regarding Claim 17:

- inputting names of a plurality of players to a potential players listing;
- selecting names from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing;
- electronically storing said names and ages of said potential players listing such that said names and ages are available for all subsequent games without reentering said names and ages except for respective of said names and ages that are selectively deleted from said potential players listing;
- automatically moving a game piece on said game board for each of said names of said actual player listing; and
- automatically accumulating a score for each name of said actual player listing.

Links 386CD Players Manual teaches of a software program that executes instructions to play a game on a computer. Peterson and Links 386CD Players Manual are analogous art

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because each are relating to games that can be implemented in a computer-based format.

Furthermore, Links 386CD Players Manual teaches of:

Regarding Claim 17:

- inputting names of a plurality of players to a potential players listing (pp. 19-20);
- selecting names from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing (pp. 19-20) ;
- electronically storing said names of said potential players listing such that said names are available for all subsequent games without reentering said names except for respective of said names that are selectively deleted from said potential players listing (pp. 19-20).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the creating new players and choosing players for a round feature of Links 386CD Players Manual in the computer-based implementation of Peterson. One would be motivated to do so because players would not have to input personal information (name and age) each time a game was played and would only have to select from a list of potential players to play a game. Furthermore, to one having ordinary skill in the art, it would have been obvious at the time of applicant's invention to input a player's age in Peterson's computer-based implementation. Doing so, a programmer could easily program the game to automatically adjust a player's score based on an age factor input into the game system.

Furthermore, regarding claim 17, to one having ordinary skill in the art, well known programming techniques to automatically move a game piece on said game board for each of said names of said actual player listing; and automatically accumulating a score for each name of

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said actual player listing could be implemented in Peterson's computer-based implementation.

One would be motivated to do so because these features would automate the process of the game, rather than relying on humans to manually move game pieces or tally player scores.

20. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Links 386CD Players Manual and further in view of Freda, III (U.S. 5,660,389).

Peterson in view of Links 386CD Players Manual teaches that as discussed above regarding claims 17 and 18. Peterson in view of Links 386CD Players Manual seems to lack explicitly teaching:

Regarding Claim 19:

- automatically and randomly selecting mystery positions on said game board such that mystery positions are not visible on said computer screen, and
- asking a plurality of random bonus questions when said respective player lands on said mystery position.

Freda, III teaches of a trivia game with a weighted scoring system that can be implemented in software to be played on a computer. Freda III, Peterson, and Links 386CD Players Manual are analogous art because each are relating to games that can be implemented in a computer-based format. Furthermore, Freda, III teaches:

Regarding Claim 19:

- selecting mystery positions (10) on said game board on said computer screen (figure 1, column 5, lines 24-30, and column 8, lines 21-48); and

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- asking a plurality of random bonus questions when said respective player lands on said mystery position (column 8, line 49-column 9, line 7).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Freda's bonus markers and questions in Peterson in view of Links 386CD Players Manual. One would be motivated to do so because the first player to reach the graduation space with the highest I.Q. wins the game. Therefore, the bonus questions would enable a player to earn extra points to add to the player's I.Q. value.

21. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Links 386CD Players Manual and further in view of Ho et al. (U.S. 6,120,300).

Peterson in view of Links 386CD Players Manual teaches that as discussed above regarding claims 17 and 18. Peterson in view of Links 386CD Players Manual seems to lack explicitly teaching:

Regarding claim 20:

- awarding said respective player with an attractive certificate.

Ho et al. teaches of a reward based computer-aided educational system that provides individual rewards for a player when they reach a milestone. Ho et al., Peterson and Links 386CD Players Manual are analogous art because each are relating to games that can be implemented in a computer-based format. Furthermore, Ho et al. teaches:

Regarding claim 20:

- awarding said respective player with an attractive certificate (column 14, lines 2-40).

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It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the award features of Ho et al. in Peterson in view of Links 386CD Players Manual. One would be motivated to do so because a player could enjoy an individualized printed certificate upon winning Peterson's game further enriching a player/students learning process through rewards.

22. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Freda, III (U.S. 5,660,389).

Peterson discloses a multi-skill question and answer board game played by players of different skill and age levels. The game can improve player's skills in various educational subject matter. Additionally, an age factor is applied to a player's point total to compensate for any age difference between competing players. Furthermore, the educational board game can be implemented in a computer-based format. Peterson discloses:

Regarding claim 21:

- displaying a game board on a computer screen (figure 1);
- displaying a game piece for each player (column 1, line 5);
- asking a random question to each player (column 2, lines 18-20);
- inputting an answer to said question by each player (column 2, lines 18-20).

Peterson seems to lack explicitly disclosing:

Regarding Claim 21:

- automatically and randomly selecting one or more mystery positions on said game board such that mystery positions are not visible on said computer screen, and

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- asking at least one random bonus question when each player lands on said mystery positions.

Regarding Claim 22:

- asking for input regarding how many mystery positions are provided on said game board.

Freda, III teaches of a trivia game with a weighted scoring system that can be implemented in software to be played on a computer. Freda III, and Peterson are analogous art because each are relating to games that can be implemented in a computer-based format.

Furthermore, Freda, III teaches:

Regarding Claim 21:

- automatically and randomly selecting one or more mystery positions (10) on said game board such that mystery positions are not visible on said computer screen (figure 1, column 5, lines 24-30, and column 8, lines 21-48), and
- asking at least one random bonus question when each player lands on said mystery positions (column 8, line 49-column 9, line 7).

Regarding Claim 22:

- asking for input regarding how many mystery positions are provided on said game board (figure 1, column 5, lines 24-30, and column 8, lines 21-48).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Freda's bonus markers and questions in Peterson. One would be motivated to do so because the first player to reach the graduation space with the

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highest I.Q. wins the game. Therefore, the bonus questions would enable a player to earn extra points to add to the player's I.Q. value.

Furthermore, regarding claim 21, to one having ordinary skill in the art, well known programming techniques to automatically move a game piece on said game board for each of said names of said actual player listing; and automatically accumulating a score for each name of said actual player listing could be implemented in Peterson's computer-based implementation. One would be motivated to do so because these features would automate the process of the game, rather than relying on humans to manually move game pieces or tally player scores.

23. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Freda, III (U.S. 5,660,389) and further in view of Walker et al. (U.S. 5,921,864).

Peterson in view of Freda, III teaches that as discussed above regarding claims 21 and 22. Peterson in view of Freda, III seems to lack explicitly teaching:

Regarding claim 23:

- providing a score for a question based on a length of time required for inputting an answer.

Walker et al. teaches of an electronic word puzzle game that can be played on a computer wherein the computer scores a player's performance based on time elapsed to answer the puzzle correctly. A higher score is indicative of a faster time to solution, that is, if the predetermined time period expires, the player's final score will be reduced to zero. Walker et al. teaches:

Regarding claim 23:

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- providing a score for a question based on a length of time required for inputting an answer (column 4, lines 44-56).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Walker's feature having a player's performance based on the time elapsed to answer question correctly in Peterson in view of Freda, III in order to add another dimension to the game making the game even more competitive.

24. Claims 24, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Freda, III (U.S. 5,660,389) and further in view of Links 386CD Players Manual.

Peterson in view of Freda, III teach that as discussed above regarding claims 21 and 22.

Peterson in view of Freda, III seem to lack explicitly stating:

Regarding Claim 24:

- inputting names of a plurality of players to a potential players listing.

Regarding Claim 25:

- selecting names from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing;
- electronically storing said names of said potential players listing such that said names are available for all subsequent games without reentering said names except for respective of said names that are selectively deleted from said potential players listing.

Links 386CD Players Manual teaches of a software program that executes instructions to play a game on a computer. Peterson, Freda, III, and Links 386CD Players Manual are

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analogous art because each are relating to games that can be implemented in a computer-based format. Furthermore, Links 386CD Players Manual teaches of:

Regarding Claim 24:

- inputting names of a plurality of players to a potential players listing (pp. 19-20).

Regarding Claim 25:

- selecting names from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing (pp. 19-20);
- electronically storing said names of said potential players listing such that said names are available for all subsequent games without reentering said names except for respective of said names that are selectively deleted from said potential players listing (pp. 19-20).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the creating new players and choosing players for a round feature of Links 386CD Players Manual in the computer-based implementation of Peterson in view of Freda, III. One would be motivated to do so because players would not have to input personal information (name and age) each time a game was played and would only have to select from a list of potential players to play a game. Furthermore, to one having ordinary skill in the art, it would have been obvious at the time of applicant's invention to input a player's age in Peterson's computer-based implementation. Doing so, a programmer could easily program the game to automatically adjust a player's score based on an age factor input into the game system.

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25. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Freda, III (U.S. 5,660,389) and further in view of Walker et al. (U.S. 5,921,864).

Peterson discloses a multi-skill question and answer board game played by players of different skill and age levels. The game can improve player's skills in various educational subject matter. Additionally, an age factor is applied to a player's point total to compensate for any age difference between competing players. Furthermore, the educational board game can be implemented in a computer-based format. Peterson discloses:

Regarding claim 27:

- displaying a game board on a computer screen (figure 1);
- displaying a game piece for each player (column 1, line 5);
- asking a random question to each player (column 2, lines 18-20);
- inputting an answer to said question by each player (column 2, lines 18-20).
- adjusting said score based on a difficulty of each question (abstract, and column 2, lines 30-37).

Regarding claim 28:

- adjusting said score based on each name of said actual player listing based on said ages (column 2, lines 46-51).

Peterson seems to lack explicitly disclosing:

Regarding Claim 27:

- automatically and randomly selecting one or more mystery positions on said game board such that mystery positions are not visible on said computer screen;

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- asking at least one random bonus question when each player lands on said mystery positions; and
- automatically adjusting said score based on a time required by each respective player for inputting of said answer.

Freda, III teaches of a trivia game with a weighted scoring system that can be implemented in software to be played on a computer. Freda III, and Peterson are analogous art because each are relating to games that can be implemented in a computer-based format.

Furthermore, Freda, III teaches:

Regarding Claim 27:

- automatically and randomly selecting one or more mystery positions (10) on said game board such that mystery positions are not visible on said computer screen (figure 1, column 5, lines 24-30, and column 8, lines 21-48), and
- asking at least one random bonus question when each player lands on said mystery positions (column 8, line 49-column 9, line 7).

Regarding Claim 27:

- asking for input regarding how many mystery positions are provided on said game board (figure 1, column 5, lines 24-30, and column 8, lines 21-48).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Freda's bonus markers and questions in Peterson. One would be motivated to do so because the first player to reach the graduation space with the highest I.Q. wins the game. Therefore, the bonus questions would enable a player to earn extra points to add to the player's I.Q. value.

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Walker et al. teaches of an electronic word puzzle game that can be played on a computer wherein the computer scores a player's performance based on time elapsed to answer the puzzle correctly. A higher score is indicative of a faster time to solution, that is, if the predetermined time period expires, the player's final score will be reduced to zero. Walker et al. teaches:

Regarding claim 27:

- providing a score for a question based on a length of time required for inputting an answer (column 4, lines 44-56).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Walker's feature having a player's performance based on the time elapsed to answer question correctly in Peterson in view of Freda, III in order to add another dimension to the game making the game even more competitive.

Furthermore, regarding claim 27, to one having ordinary skill in the art, well known programming techniques to automatically move a game piece on said game board for each of said names of said actual player listing; and automatically accumulating a score for each name of said actual player listing could be implemented in Peterson's computer-based implementation. One would be motivated to do so because these features would automate the process of the game, rather than relying on humans to manually move game pieces or tally player scores.

26. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Freda, III (U.S. 5,660,389) and Walker et al. (U.S. 5,921,864) and further in view of Links 386CD Players Manual.

Peterson in view of Freda, III and Walker et al. teach that as discussed above regarding claims 27 and 28. Peterson in view of Freda, III and Walker et al. seem to lack explicitly stating:

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Regarding Claim 29:

- inputting names and ages of a plurality of players to a potential players listing.

Regarding Claim 30:

- selecting names from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing;
- electronically storing said names and ages of said potential players listing such that said names and ages are available for all subsequent games without reentering said names and ages except for respective of said names and ages that are selectively deleted from said potential players listing.

Links 386CD Players Manual teaches of a software program that executes instructions to play a game on a computer. Peterson, Freda, III, Walker et al. and Links 386CD Players Manual are analogous art because each are relating to games that can be implemented in a computer-based format. Furthermore, Links 386CD Players Manual teaches of:

Regarding Claim 29:

- inputting names of a plurality of players to a potential players listing (pp. 19-20).

Regarding Claim 30:

- selecting names and ages from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing (pp. 19-20);
- electronically storing said names of said potential players listing such that said names are available for all subsequent games without reentering said names except for respective of said names that are selectively deleted from said potential players listing (pp. 19-20).

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It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the creating new players and choosing players for a round feature of Links 386CD Players Manual in the computer-based implementation of Peterson. One would be motivated to do so because players would not have to input personal information (name and age) each time a game was played and would only have to select from a list of potential players to play a game. Furthermore, to one having ordinary skill in the art, it would have been obvious at the time of applicant's invention to input a player's age in Peterson's computer-based implementation. Doing so, a programmer could easily program the game to automatically adjust a player's score based on an age factor input into the game system.

27. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Freda, III (U.S. 5,660,389) and Walker et al. (U.S. 5,921,864) and further in view of Roberts (U.S. 5,152,535).

Peterson discloses a multi-skill question and answer board game played by players of different skill and age levels. The game can improve player's skills in various educational subject matter. Additionally, an age factor is applied to a player's point total to compensate for any age difference between competing players. Furthermore, the educational board game can be implemented in a computer-based format. Peterson discloses:

Regarding Claim 31:

- displaying a game board on a computer screen (figure 1);
- displaying a game piece for each player (column 1, line 5);
- asking a random question to each player on said actual player listing as a respective of said game pieces is moved (column 2, lines 18-20);

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- inputting by said respective player an answer to said question (column 2, lines 18-20).
- displaying an initial score for each said question related to a difficulty level (column 2, lines 30-37).

Regarding Claim 32:

- adjusting said score based for each player based on an age of said player (column 2, lines 46-51).

Peterson seems to lack explicitly teaching:

Regarding Claim 31:

- automatically and randomly selecting mystery positions on said game board such that mystery positions are not visible on said computer screen, and
- asking a plurality of random bonus questions when said respective player lands on said mystery position;
- decreasing said initial score for each said question in response to time required for inputting said answer;
- producing a biblical reference related to said answer.

Freda, III teaches of a trivia game with a weighted scoring system that can be implemented in software to be played on a computer. Freda III, Peterson, Walker et al. and Roberts are analogous art because each are relating to games that can be implemented in a computer-based format. Furthermore, Freda, III teaches:

Regarding Claim 31:

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- selecting mystery positions (10) on said game board on said computer screen (figure 1, column 5, lines 24-30, and column 8, lines 21-48); and
- asking a plurality of random bonus questions when said respective player lands on said mystery position (column 8, line 49-column 9, line 7).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Freda's bonus markers and questions in Peterson. One would be motivated to do so because the first player to reach the graduation space with the highest I.Q. wins the game. Therefore, the bonus questions would enable a player to earn extra points to add to the player's I.Q. value.

Walker et al. teaches of an electronic word puzzle game that can be played on a computer wherein the computer scores a player's performance based on time elapsed to answer the puzzle correctly. A higher score is indicative of a faster time to solution, that is, if the predetermined time period expires, the player's final score will be reduced to zero. Walker et al. teaches:

Regarding claim 31:

- decreasing said initial score for each said question in response to time required for inputting said answer (column 4, lines 44-56).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Walker's feature having a player's performance based on the time elapsed to answer question correctly in Peterson in view of Freda, III in order to add another dimension to the game making the game even more competitive.

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Roberts (U.S. 5,152,535) teaches of a Bible quiz game which tests each player's knowledge of the Bible with questions and answers.

Regarding Claim 31, Roberts produces a biblical reference related to an answer relating to wide gate cards and straight gate cards (figures 5 and 6). It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Robert's Bible quiz game questions in Peterson in view of Freda, III and Walker et al. One would be motivated to do so because Peterson and Freda, III teach that questions from any type of category could be used in their games making the game more enjoyable.

Furthermore, regarding claims 31 and 32, to one having ordinary skill in the art, well known programming techniques to automatically move a game piece on said game board for each of said names of said actual player listing; and automatically accumulating a score for each name of said actual player listing could be implemented in Peterson's computer-based implementation. One would be motivated to do so because these features would automate the process of the game, rather than relying on humans to manually move game pieces or tally player scores.

28. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. 5,906,371) in view of Freda, III (U.S. 5,660,389), Walker et al. (U.S. 5,921,864) and Roberts (U.S. 5,152,535) and further in view of Links 386CD Players Manual.

Peterson in view of Freda, III, Walker et al. and Roberts teach that as discussed above regarding claims 31 and 32. Peterson in view of Freda, III, Walker et al. and Roberts seem to lack explicitly stating:

Regarding Claim 33:

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- inputting names of a plurality of players to a potential players listing.

Regarding Claim 34:

- selecting names from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing.

Links 386CD Players Manual teaches of a software program that executes instructions to play a game on a computer. Peterson, Freda, III, Walker et al., Roberts, and Links 386CD Players Manual are analogous art because each are relating to games that can be implemented in a computer-based format. Furthermore, Links 386CD Players Manual teaches of:

Regarding Claim 33:

- inputting names of a plurality of players to a potential players listing (pp. 19-20).

Regarding Claim 34:

- selecting names from said players listing for playing or not playing a subsequent game to thereby produce an actual player listing (pp. 19-20).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the creating new players and choosing players for a round feature of Links 386CD Players Manual in the computer-based implementation of Peterson in view of Freda, III, Walker et al. and Roberts. One would be motivated to do so because players would not have to input personal information (name and age) each time a game was played and would only have to select from a list of potential players to play a game.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej

April 10, 2003

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